

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

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In Re:

DAVID W. NICKEL

U.S. BANKRUPTCY COURT
ST. PAUL, MN
BKY CASE NO 03-36573 GFK
CHAPTER 13

Debtor(s)

RESPONSE TO MOTION OBJECTING TO CLAIM

TO: Michael J. Farrell, Standing Trustee

1. Marlow D. Nickel, claimant, referenced in Michael J. Farrell, Standing Trustee's, "NOTICE OF HEARING AND MOTION OBJECTING TO CLAIM" dated September 7, 2004, in the above-entitled matter responds to said "Motion Objecting to Claim" as set forth herein.

2. That on April 20, 2004, I submitted a claim for \$7,567.00 in the above bankruptcy. That this constitutes a valid claim for labor and materials, which I have verified and can substantiate at the scheduled hearing on October 19, 2004.

3. That I have received, in the middle of August, 2004, a "Notice of Intent to Pay Claim" in which my claim has been identified and listed for payment.

4. That debtor, David W. Nickel, although testifying to the contrary, has not made payment in full of my claim.

WHEREFORE, the undersigned claimant moves the Court for an order allowing my claim in the amount of \$7,567.00 and such other relief as may be deemed just and equitable.

Dated: September 30, 2004

Marlow D. Nickel

Marlow D. Nickel – Claimant
46060 County Road 53
Jeffers, MN 56145

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M Nickel 1 Bills due from the years 1998-2001
to: David Nickel 608 2nd Ave W, Lamberton MN 56152

Date	Labor		Truck & diesel		Storage		Other		Extended
	Hours	Rate	Hours	Rate	Tons	Price / Ton	Cost	Description	
09/28/1996	7.50	15.00							112.50
									112.50 98 Total
09/20/1997	3.00	15.00	1 day	100.00					145.00
09/24/1997	7.50	15.00	1 day	100.00					212.50
09/27/1997	5.50	15.00	1 day	100.00					182.50
									31.65
									31.65 chachipale
									36.00 Herb Pepper
									25.00 1/2 bushel
									2.35 30.7 bu corn
									200.00 By-Products
									72.14
									200.00
									604.75 97 Total
09/10/1998	10.00	15.00							150.00
09/11/1998	10.00	15.00							150.00
09/12/1998	5.50	15.00							82.50
09/14/1998	8.50	15.00							127.50
9/10-9/14/98			34.00	20.00					680.00
									1,160.00 98 Total
02/15/1999	13.50	10.00							135.00
02/15/1999	35.25	10.00							352.50
02/15/1999	7.00	25.00							175.00
09/16/1999	4.00	15.00	1 day	100.00					160.00
09/17/1999	2.50	15.00	1 day	100.00					137.50
09/18/1999	3.50	15.00	1 day	100.00					162.50
			4 days	400.00					400.00
									2,157.50 99 Total
01/23-/2000	2.50	10.00							25.00
01/24/2000	6.00	10.00							60.00
01/25/2000	5.00	10.00							50.00
01/26/2000	2.00	10.00							20.00
04/29/2000									72.00
06/31/2000	2.00	10.00							20.00
08/04/2000	3.50	10.00							35.00
08/17/2000	3.50	10.00							35.00
08/18/2000	6.50	10.00							65.00
11/01/00									17.50 1/2 flwr
2000									27.35 chip chula liner
2000									60.00 shell bushing
2000									3.00 on links
2000									457.50
2000									600.00
2000									1,567.75 00 Total
08/14/2001	6.00	15.00							210.00
08/15/2001	9.00	15.00							315.00
08/20/2001	4.00	15.00							140.00
08/21/2001	6.50	15.00							227.50
08/22/2001	6.00	15.00							210.00
08/24/2001	5.50	15.00							162.50
08/25/2001	2.50	15.00							37.50
09/27/2001	3.00	15.00							105.00
09/28/2001	4.50	15.00							157.50
									1,695.00 01 Total

TOTAL

37,597.54

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U.S. BANKRUPTCY COURT
BKY CASE NO 03-36578 GFK, MN
CHAPTER 13

Debtor(s)

The undersigned, Marlow D. Nickel, claimant, declares that on the date indicated below, I served the following:

Response to Motion Objecting to Claim

Upon each of the entities named below, by mail by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Windom, Minnesota, addressed to each of them as follows:

Debtor(s):

DAVID W. NICKEL
608 SECOND AVENUE WEST
LAMBERTON MN 56152

Debtor's Attorney:

IAN T. BALL
12 SOUTH SIXTH STREET SUITE 326
MINNEAPOLIS MN 55402

Standing Trustee:

MICHAEL J. FARRELL
PO BOX 519
BARNSVILLE MN 56514

UNITED STATES TURSTEE
1015 US COURTHOUSE
300 WEST FOURTH STREET
MINNEAPOLIS MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: 10-1-04

Marlow D. Nickel
Marlow D. Nickel - Claimant

September 30, 2004

US BANKRUPTCY COURT
200 US COURTHOUSE
316 NORTH ROBERTS STREET
ST PAUL MN 55101

RE: David W. Nickel
Bankruptcy Case No. 03-36573 GFK
Chapter 13

Dear US Bankruptcy Court:

Enclosed please find my Response to Motion Objecting to Claim and my proof of service on the Trustee and other interested parties. If there are any questions, please do not hesitate to contact me. Thank you.

Marlow Nickel
Marlow Nickel